

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

September 7, 2012

\_\_\_\_\_  
No. 11-10772  
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Lyle W. Cayce  
Clerk

JEFF PAUL, MARGARET PAUL, JIM FLECK,  
AMY FLECK, PPS ADVERTISING, INC.,  
INTERNATIONAL PROFIT SYSTEMS, INC.,  
on behalf of themselves and all others similarly situated,

Plaintiffs-Appellants

v.

AVIVA LIFE AND ANNUITY COMPANY, formerly known as  
AMER US LIFE INSURANCE COMPANY, formerly known as  
AVIVA LIFE INSURANCE COMPANY, formerly known as  
INDIANAPOLIS LIFE INSURANCE COMPANY,

Defendant-Appellee

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:09-CV-1490  
\_\_\_\_\_

Before DAVIS, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:\*

After reviewing the record, studying the briefs, and listening to oral arguments, we AFFIRM the judgment of the district court for essentially the

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-10772

same reasons given by the district court in its Memorandum Opinion and Order of July 12, 2011. AFFIRMED.